

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DRAKES BAY OYSTER COMPANY, *et al.*,

Case No.: 12-cv-06134-YGR

Plaintiff,

**ORDER STAYING PROCEEDINGS PENDING
RULING ON PLAINTIFFS' PETITION FOR
REHEARING EN BANC, CONTINUING CASE
MANAGEMENT CONFERENCE, AND DENYING
REQUEST TO APPEAR TELEPHONICALLY AT
CASE MANAGEMENT CONFERENCE AS MOOT**

v.

KENNETH L. SALAZAR, in his official
capacity as Secretary, U.S. Department of
the Interior, *et al.*,

Defendants.

A Case Management Conference is scheduled for September 23, 2013. The parties have timely filed their Joint Case Management Conference Statement. Plaintiffs seek a stay of proceedings pending a final decision from the Ninth Circuit on Plaintiffs' appeal from this Court's denial of their motion for a preliminary injunction. Plaintiffs represent that they intend to petition for rehearing en banc. Defendants do not believe the case should be stayed in its entirety pending a final decision by the Ninth Circuit on the preliminary injunction appeal, but that the case should proceed once the Ninth Circuit rules on the petition for rehearing en banc.

The Court believes that a stay is appropriate until the Ninth Circuit rules on Plaintiffs' petition for rehearing en banc. The Court hereby **CONTINUES** the Case Management Conference from September 23, 2013 to November 18, 2013 at 2:00 p.m. If the Ninth Circuit has ruled on the petition prior to the conference, the Court will determine whether a further stay is appropriate at that time.

If the Ninth Circuit has not ruled on Plaintiffs' petition for rehearing by five (5) business days prior to the conference, the parties shall submit a joint status update by that date so informing the

1 Court. The parties may also contact the Courtroom Deputy to advance the Case Management
2 Conference date, if necessary.

3 In light of the continuance of the Case Management Conference, the pending Request to
4 Appear Telephonically at Case Management Conference is **DENIED** as moot.

5 As set forth above, this action is hereby **STAYED** pending the Ninth Circuit's ruling on
6 Plaintiffs' petition for rehearing en banc. This Order terminates Dkt. No. 109.

7 **IT IS SO ORDERED.**

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9 Dated: September 20, 2013

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11 YVONNE GONZALEZ ROGERS
12 UNITED STATES DISTRICT COURT JUDGE